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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,486	01/12/2001	Daniel Pelletier	US 010002	1745
24737	7590	09/06/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			JONES, HEATHER R	
			ART UNIT	PAPER NUMBER
			2615	
DATE MAILED: 09/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/759,486

Applicant(s)

PELLETIER, DANIEL

Examiner

Heather R. Jones

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 3-7 and 9-19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____.


DAVID L. OMETZ
SUPERVISORY PATENT
EXAMINER

Response to Arguments

1. Applicant's arguments filed August 19, 2005 have been fully considered but they are not persuasive.

The Applicant argues on Page 6, lines 9-23 that the Chim reference does not teach or suggest selecting a sequence of camera parametrics from a plurality of such sequences. The Examiner respectfully disagrees. Claims 1 and 7 only require the apparatus to select at least one sequence of camera parametrics selected from the group of movements including scanning, zooming, tilting, orientating, panning, fading, zoom-and-pull-back, fade-in, and fade-out. Chim discloses selecting at least two of these (zooming and panning: col. 4, lines 51-54) therefore meeting the claimed limitations. The Applicant gives examples of these sequences and explains that they are more than zooming and panning, but that each sequence is a set of rules for determining the manner of execution of the zoom and pan operation. The Examiner would like to point out that these limitations concerning the sequence are not claimed and that furthermore, it is inherent that when a camera controls its own zooming and panning it would have to have a set of rules for determining when to start the operation, how to direct the operation (whether it is to pan left or right or whether it is to zoom in or zoom out), and when to stop the operation.

The Applicant argues on Page 6, line 28 – Page 7, line 6 that the Chim reference does not teach or suggest determining criteria for executing the selected sequence of camera parametrics. The Examiner respectfully disagrees.

Chim determines the locations of the objects in the room based on sound, which in turn is used to execute the zooming or panning sequence (col. 4, lines 34-42). The Applicant further argues that Chim's criteria for camera movement is not determined, but rather has been predetermined. The Examiner respectfully disagrees because the camera uses sound to adjust the focus of the camera and it would not be able to predetermine the movement of the speaker. If the camera knew the movement of the speaker ahead of time then it would not have to rely on sound to determine where the speaker is in the room and one could just program the camera to move at various times.

The Applicant argues on Page 7, lines 7-20 that the Chim reference is not able to determine the number of objects in a scene and on Page 8, lines 5-13 that the Chim reference does not determine the position for objects in a room. The Examiner respectfully disagrees. Chim discloses the system can determine the current speaker from several different speakers (col. 4, lines 63-67) from the different signal levels transmitted by the microphones. For example, if two different sounds were coming from two different places in the room the apparatus would be able to determine that there are two objects in the room. Therefore, this inherently includes the number of objects since there is more than one speaker. Determining the positions for objects in a room go hand-in-hand with determining how many objects is in the room in that the camera recognizes that the sounds are coming from two different areas of the room. Furthermore the claim only requires determining the position of at least one object within the

scene, which takes place when the camera locates the speaker within the room. The Applicant further argues that scenes include objects other than speakers, such as people who never speak and inanimate objects. The Examiner would like to point out that the term "object" is a very broad term and can be used to describe anything. The Examiner is using the word "object" to define speakers because that is the main focus in the Chim patent, how many speakers are in the scene. The claims have no limitations as to what the word "object" means and therefore it may be examined using the broadest interpretation.

The Applicant argues on Page 7, line 21 – Page 8, line 4 that the Chim reference does not disclose speech recognition. The Examiner respectfully disagrees. Chim is able to detect audio by using microphones with would include recognizing speech since speech is an audio signal. The Applicant further argues that the system is activated by sound of any kind, not strictly by voice and that a kick of a table or rustling of papers can inadvertently switch the device. However, Chim discloses an interface card (18) that includes circuitry for sensing and differentiating tone and for tracking a speaker having a selected tone, which would aid with tracking the speaker particularly in the presence of ambient noise (col. 8, lines 14-22). Therefore, the interface card (18) would take be able to distinguish between the speaker and a kick of a table or rustling of papers.

The Applicant argues on Page 8, lines 14-29 that the Chim reference does not disclose determining the object closest to a predetermined location in the image. The Examiner respectfully disagrees. In order for the apparatus to be

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readjusted accordingly to have the speakers in the captured image in the Chim reference the apparatus would have to determine the object closest to a predetermined location in the image or the object closest to the center of the image depending on the process the camera is going to perform. If the camera did not determine the object closest to a predetermined location then how would the camera include the speakers entirely in the image? Therefore, Chim inherently teaches this feature.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heather R Jones
Examiner
Art Unit 2615

HRJ
August 30, 2005



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EXAMINER